

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

June 13, 2013

The Marlboro Township Council held its regularly scheduled Council Meeting on May 16, 2013 at 7:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President LaRocca opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of the regularly scheduled meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 7, 2013; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building, filed in the office of the Municipal Clerk and placed on the township website and Channel 77.

The Clerk called the Roll.

PRESENT: Councilman Cantor, Council Vice President Marder (7:10), Councilwoman Mazzola, Councilman Metzger and Council President LaRocca.

Also present were: Louis N. Rainone, Esq., Business Administrator Jonathan Capp, Municipal Clerk Alida Manco and Deputy Municipal Clerk Deborah Usalowicz.

Councilman Metzger moved that the minutes of May 2 & May 16, 2013 be approved. This was seconded by Councilman Cantor and passed on a roll call vote of 4 - 0 in favor, with Council President LaRocca abstaining.

The following Resolution #2013-197/Ordinance #2013-12 (Amend Chapter 220 - Rezoning Block 213, Lots 3 and 4 From OPT-2 Zone to C-2 Zone and Zoning Map; Amending Section 220-81(C)(1) to Add a New Permitted Use in C-1 Village Commercial District; Amending Section 220-140 to Establish Setback for Small Sheds; Amending Section 220-34(B)(2) to Expand Grandfathering Provisions to Vacant Lots in Existing Subdivision; and Amending Section 220-41 to Amend Yield Provisions for Large Residences Built Pursuant to Cluster Provisions) was introduced by reference, offered by Council Vice President Marder and seconded by Councilwoman

Mazzola. Council President LaRocca opened the Public Hearing on the ordinance. After the Public Hearing was held and closed, Louis Rainone, Esq. asked for a minor amendment to the second page: section (f) should read, "Single family detached dwellings and accessory structures". Motion to move the ordinance as amended was offered by Council President LaRocca, seconded by Council Vice President Marder and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-197

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2013-12 (As Amended)

AN ORDINANCE REZONING THE PROPERTY KNOWN AS BLOCK 213 LOTS 3 AND 4 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF MARLBORO FOR THE PROPERTY LOCATED ON ROUTE 79 NEAR THE INTERSECTION OF ROUTE 520 FROM THE OPT-2 ZONE TO THE C-2 ZONE AND AMENDING THE ZONING MAP ACCORDINGLY, AMENDING SECTION 220-81 (C) (1) OF THE CODE TO ADD A NEW PERMITTED USE IN THE C-1 VILLAGE COMMERCIAL DISTRICT, AMENDING SECTION 220-140 OF THE CODE TO ESTABLISH SPECIFIC SETBACK STANDARDS FOR SMALL SHEDS AS ACCESSORY STRUCTURES, AMENDING SECTION 220-34 (B) (2) TO EXPAND THE SCOPE OF THE GRANDFATHERING PROVISIONS TO VACANT LOTS WHICH ARE PART OF AN EXISTING SUBDIVISION AND AMENDING SECTION 220-41 OF THE CODE TO AMEND THE YIELD PROVISIONS FOR LARGE RESIDENCES BUILT PURSUANT TO THE CLUSTER PROVISIONS

which was introduced on May 16, 2013, public hearing held on June 13, 2013, be adopted on second and final reading this 13th day of June, 2013.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

The following Resolution #2013-198/Ordinance #2013-14 (Amending Chapter 220 - Section 220-45.1 - Regulating Use and Placement of Temporary Storage Units) was introduced by reference, offered by Council Vice President Marder and seconded by Councilwoman Mazzola. Council President LaRocca opened the Public Hearing on the ordinance. As there was no one who wished to speak, the Public Hearing was closed. After discussion, Res. #2013-198/Ord. #2013-14 was then passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-198

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2013-14

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 220 "LAND USE AND DEVELOPMENT", ARTICLE III, "ZONING: STANDARDS AND REGULATIONS", OF THE CODE OF THE TOWNSHIP OF MARLBORO BY ESTABLISHING A NEW SECTION 220-45.1 ENTITLED, "PORTABLE STORAGE UNITS" TO REGULATE THE USE AND PLACEMENT OF TEMPORARY STORAGE UNITS WITHIN THE TOWNSHIP OF MARLBORO

which was introduced on May 16, 2013, public hearing held on June 13, 2013, be adopted on second and final reading this 13th day of June, 2013.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

The following Resolution #2013-219/Ordinance #2013-15 (Amend Section 220-140 - Standards for Accessory Structures) was introduced by reference, offered by Councilman Cantor and seconded by Council Vice President Marder and passed on a roll call vote of 5 - 0.

RESOLUTION # 2013-219

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2013-15

AN ORDINANCE AMENDING SECTION 220-140 OF THE CODE OF THE TOWNSHIP OF MARLBORO AMENDING THE STANDARDS FOR SHEDS AS ACCESSORY STRUCTURES

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on July 18, 2013 at 7:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2013-15

AN ORDINANCE AMENDING SECTION 220-140 OF THE CODE
OF THE TOWNSHIP OF MARLBORO AMENDING THE STANDARDS
FOR SHEDS AS ACCESSORY STRUCTURES

BE IT FURTHER ORDAINED, that Section 220-140 of the Code of the Township of Marlboro entitled "Accessory Buildings and Structures" is hereby amended and supplemented to amend section 220-140(E) entitled "Location" amending the provisions establishing specific setback standards to be solely applicable to sheds which are placed on a property as an accessory structure as follows:

2) The setbacks for sheds that are placed on a property as an accessory structure and are not larger than one hundred ninety two (192) square feet and not taller than eleven (11') feet in height shall be a minimum of five (5') feet from the rear and side property lines. Not more than one such shed shall be permitted to be placed on the property.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the Courts to be invalid, such adjudication shall only apply to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed invalid and effective.

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Resolution #2013-199 (Renewal Liquor Licenses - July 1, 2013 - June 30, 2014) was introduced by reference, offered by Councilman Metzger and seconded by Councilwoman Mazzola. After discussion, the resolution was then passed on a roll call vote of 4 - 0 with, Councilman Cantor abstaining.

RESOLUTION # 2013-199

BE IT RESOLVED by the Township Council of the Township of Marlboro that the following Liquor Licenses be and they are hereby renewed for the period beginning July 1, 2013 through June 30, 2014.

1. S & A Route 79, Inc. T/A Crown Palace	1328 33 005 008
2. Just Sports Bar & Grill T/A Fireside Grill & Bar	1328 33 003 004
3. M. S. D. Enterprise, Inc. T/A Martucci's Deli	1328 44 009 004
4. Bella Vista Country Club	1328 33 004 004
5. Worthwhile, Inc. T/A Cambridge Spirits Unlimited	1328 44 016 002
6. Briad Restaurant Group,L.L.C. T/A TGI Fridays	1328 33 017 002
7. J.R.J. Hospitality Inc. T/A Nonna's	1328 33 015 012
8. A.J.R. Restaurant Group T/A Damon's Grill	1328 33 018 001
9. Hituja Corp. T/A Marlboro Buy Rite Liquors	1328 44 001 006
10. B.T.A., LLC T/A Pino's La Forchetta	1328 33 008 008
11. 476 Route 520 Corp. T/A Samvera Restaurant	1328 33 002 012
12. Exit 123 Liquors, LLC	1328 44 021 001
13. Morganville Ind. Vol. Fire Co.	1328 31 012 001
14. Morganville Vol. Fire Co.	1328 31 013 001
15. Wickatunk Holdings LLC	1328 22 010 003
16. Modern Star LLC	1328 33 020 001
17. IR Restaurant Corp.	1328-33-007-004

BE IT FURTHER RESOLVED that pursuant to NJAC 13: 2-19.1, renewal of the aforementioned licenses shall not bar or abate any pending or anticipated disciplinary proceeding against any licensed establishment.

The following Resolution #2013-200 (Bond Release Triangle Valley/Saratoga Estates) was introduced by reference, offered by Councilwoman Mazzola and seconded by Council President LaRocca. CME Engineer Trevor Taylor addressed Council's questions. The resolution was then passed on a roll call vote of 5 - 0.

RESOLUTION # 2013-200

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES FOR
THE SITE KNOWN AS Triangle Valley (Saratoga Estates),
BLOCK 159, LOT 10, Pleasant Valley Road, OF MARLBORO, NEW JERSEY

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request from K. Hovnanian for release of the Township held Performance Guarantees in the form of a Bond and cash deposit for the water distribution system ("Public Improvements") on the Site known as "Triangle Valley (Saratoga Estates)" (the "Site"), property known as Block 159, Lot 10, on the Official Tax Maps of the Township of Marlboro, Monmouth County, State of New Jersey, posted by K. Hovnanian (the "Developer"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed the Township Engineer's report dated May 16, 2013, revised June 11, 2013, regarding the completion of the Public Improvements at the Site, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the aforesaid report recommends that the current Performance Guarantee in the form of a Bond, Bond #8827337 issued by Fidelity and Deposit Company of Maryland in the original amount of \$160,666.14 and current value of \$48,200.44, posted by the Developer and being held by the Township, be released in entirety, conditioned upon the payment of any and all outstanding review and/or inspection fee charges to the time of the performance guarantee release and the posting of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$22,315.00; and

WHEREAS, the Township Council now wishes to take the following action regarding the aforesaid Performance Guarantee.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the above-described Performance Guarantee in the form of a Performance Bond, No. 8827337 issued by Fidelity and Deposit Company of Maryland in the original amount of \$160,668.14 and current value of \$48,200.44, posted by the Developer and being held by the Township, be released in entirety, conditioned upon the payment of any and all outstanding review and/or inspection fee charges to the time of the performance guarantee release and the posting of a two (2) year fifteen percent (15%) maintenance bond in the amount of \$22,315.00; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. K. Hovnanian at Marlboro Township IX, LLC
- b. Fidelity and Deposit Company of Maryland
- c. Mayor Jonathan L. Hornik
- d. Township Business Administrator
- e. Township Chief Financial Officer
- f. Township Engineer
- g. DeCotiis, FitzPatrick & Cole, LLP

The following Resolution #2013-218 (Zoning Board Appointment - Alt. #1 Expiring 12/31/14 - Alon Solon) was introduced by reference, offered by Councilman Metzger and seconded by Council Vice President Marder and passed on a roll call vote of 5 - 0.

RESOLUTION # 2013-218

RESOLUTION APPOINTING ZONING BOARD
OF ADJUSTMENT MEMBER

WHEREAS, Section 4-90 of the Code of the Township of Marlboro created the Marlboro Township Zoning Board of Adjustment pursuant to the authority granted by N.J.S.A. 40:55D-69; and

WHEREAS, Section 220-8 of the Code of the Township of Marlboro provides that the Township Council shall appoint members of the Zoning Board of Adjustment; and

WHEREAS, the Township Council wishes to appoint ALON SOLON to serve as a member of the Zoning Board of Adjustment as Alternate #1, expiring December 31, 2014; and

NOW, THEREFORE BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

That it hereby appoints ALON SOLON to serve as a member of the Marlboro Township Zoning Board of Adjustment in the position specified above, and for the term indicated above.

As the consent agenda, the following resolutions were introduced by reference, offered by Councilman Metzger, seconded by Council Vice President Marder and passed on a roll call vote of 5 - 0 in favor: Res. #2013-201 (Budget Amendment Chapter 159 - Clean Communities Grant), Res. #2013-202 (Authorizing Bergen County Co-op Replacement of Police Supervisor Vehicle (2013 Capital 106-13), Res. # 2013-203 (Award of Contract - Purchase of Grandmaster Turf Mowers (Capital 2013 123-5), Res. #2013-204 (Authorizing State Contract Spatial Data Logic Software), Res. # 2013-205

(Authorizing Shared Services Agreement with BOE for Janitorial Services), Res. #2013-206 (Confirming/Amending Hurricane Sandy Emergency Contracts), Res. #2013-207 (Redemption Tax Sale Certs - Various), Res. #2013-208 (Refunds to WMUA - Various), Res. #2013-209 (Redemption Tax Sale Certs - WMUA refunds), Res. #2013-210 (Redemption Tax Sale Certs - MTWUD), Res. #2013-211 (Refund for Tax Court Judgment - Kalliny - B 155, L 4.13), Res. #2013-212 (Refund for Tax Court Judgment - Martino - B 157, L 3.10), Res. #2013-213 (Refund for Tax Court Judgment - Mallet - B 151, L 9), Res. #2013-214 (Refund for Tax Court Judgment - Mallet - B 151, L 10) and Res. #2013-215 (Refund for Tax Court Judgment - Vogel - B 261, Lot 5).

RESOLUTION # 2013-201

RESOLUTION REQUESTING APPROVAL OF ITEMS OF
REVENUE AND APPROPRIATION (N.J.S.A. 40A:4-87)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

Section 1

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey, hereby requests the Director of Local Government Services to approve the insertion of an revenue in the budget of the year 2013 in the sum of \$80,869.33, which has been received by the municipality for the "2013 Clean Communities" Grant.

Section 2

BE IT FURTHER RESOLVED that the amount of \$80,869.33 be hereby appropriated under the caption "2013 Clean Communities" Grant.

RESOLUTION # 2013-202

RESOLUTION AUTHORIZING A CONTRACT FOR THE PURCHASE OF ONE (1) NEW
2013 POLICE INTERCEPTOR UTILITY VEHICLE THROUGH BIDS OBTAINED BY
THE COUNTY OF BERGEN COOPERATIVE CONTRACT PURCHASING SYSTEM

WHEREAS, the Township of Marlboro as part of its 2013 capital program (106-13) authorized the acquisition of a

replacement SUV and emergency equipment for the Police Department; and

WHEREAS, the Township is authorized to purchase ONE (1) NEW 2013 POLICE INTERCEPTOR UTILITY VEHICLE from bids obtained from a cooperative pricing system such as the COUNTY OF BERGEN COOPERATIVE CONTRACT PURCHASING SYSTEM pursuant to the authority provided by N.J.S.A. 40A:11-11(6); and

WHEREAS, the COUNTY OF BERGEN conducted a public bidding process and awarded a contract to Winner Ford, 250 Berlin Road, Cherry Hill, NJ 08034, for the provision of ONE (1) NEW 2013 POLICE INTERCEPTOR UTILITY VEHICLE; and

WHEREAS, the Police Department has indicated that Winner Ford has agreed to extend the pricing provided through the COUNTY OF BERGEN to Marlboro Township; and

WHEREAS, at this time, the Police Department has recommended the award of contract for purchase of ONE (1) NEW 2013 POLICE INTERCEPTOR UTILITY VEHICLE, for a total amount not to exceed \$28,112.00; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to purchase ONE (1) NEW 2013 POLICE INTERCEPTOR UTILITY VEHICLE through the COUNTY OF BERGEN COOPERATIVE CONTRACT PURCHASING SYSTEM; and

WHEREAS, funds in the amount of \$28,112.00 have been certified by the Chief Financial Officer in Account 04-215-13-08F-106297 for this purpose; and

WHEREAS, the Marlboro Township Council, having considered the same, desires to authorize the purchase of ONE (1) NEW 2013 POLICE INTERCEPTOR UTILITY VEHICLE from Winner Ford, at pricing pursuant to the bid obtained by the COUNTY OF BERGEN, for a total amount not to exceed \$28,112.00.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase ONE (1) NEW 2013 POLICE INTERCEPTOR UTILITY VEHICLE, at pricing pursuant to the bid obtained by the COUNTY OF BERGEN, for a total amount not to exceed \$28,112.00; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Winner Ford, Cherry Hill, NJ
- b. Township Administrator

- c. Township Police Department
- d. Township Chief Financial Officer

RESOLUTION # 2013-203

RESOLUTION AUTHORIZING A CONTRACT FOR THE REPLACEMENT OF
TWO ZERO TURN MOWERS THROUGH BIDS OBTAINED BY THE MIDDLESEX
REGIONAL EDUCATION SERVICES COMMISSION (MRESC)

WHEREAS, the Township of Marlboro as part of its 2013 capital program (123-5) authorized the acquisition of equipment for the Public Works Department; and

WHEREAS, the Township is authorized to purchase GROUNDS EQUIPMENT from bids obtained from a cooperative pricing system such as the MIDDLESEX REGIONAL EDUCATION SERVICES COMMISSION (MRESC) pursuant to the authority provided by N.J.S.A. 40A:11-11(6); and

WHEREAS, the MIDDLESEX REGIONAL EDUCATION SERVICES COMMISSION (MRESC) conducted a public bidding process and awarded a contract to Storr Tractor Company, 3191 Highway 22, Branchburg, NJ 08876, for the provision of GROUNDS EQUIPMENT; and

WHEREAS, the Public Works Department has indicated that Storr Tractor Company has agreed to extend the pricing provided through the MRESC to Marlboro Township; and

WHEREAS, at this time, the Public Works Department has recommended the award of contract for the purchase of replacement GROUNDS EQUIPMENT for a total amount not to exceed \$34,672.00; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to purchase GROUNDS EQUIPMENT through the MRESC; and

WHEREAS, funds in the amount of \$34,672.00 have been certified by the Chief Financial Officer in Capital Account 04-215-13-08J-122297 for this purpose; and

WHEREAS, the Marlboro Township Council, having considered the same, desires to authorize the purchase of GROUNDS EQUIPMENT from Storr Tractor Company, at pricing pursuant to the bid obtained by the MRESC, for a total amount not to exceed \$34,672.00.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase replacement GROUNDS EQUIPMENT, at

pricing pursuant to the bid obtained by the MRESC, for a total amount not to exceed \$34,672.00; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Storr Tractor Company, Branchburg, NJ
- b. Township Administrator
- c. Township Public Works Department
- d. Township Chief Financial Officer

RESOLUTION # 2013-204

RESOLUTION AUTHORIZING AWARD OF STATE CONTRACT #77560
TO SHI FOR SPATIAL DATA LOGIC ENTERPRISE LICENSE AND
PORTAL FOR THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro currently utilizes Spatial Data Logic software for permitting and complaint tracking in several municipal departments; and

WHEREAS, the Township wishes to continue to migrate the software to all departments by renewing the Enterprise License of Spatial Data Logic; and

WHEREAS, the Marlboro Township Information Technology Division has recommended that the Township renew the Spatial Data Logic Enterprise License from SHI, 290 Davidson Ave, Somerset, NJ 08873 under State Contract #77560 in an amount not to exceed \$44,000.00; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to obtain the Spatial Data Logic Enterprise License; and

WHEREAS, funds are available in Account 01-201-20-033-281 for a combined amount not to exceed \$44,000.00 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the renewal of said software license;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization

is hereby granted to renew the Spatial Data Logic Enterprise License from SHI INTERNATIONAL CORP, SHI, 290 Davidson Ave, Somerset, NJ 08873 under State Contract #77560 in an amount not to exceed \$44,000.00; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. SHI
- b. Township Administrator
- c. Township Division of Information Technology
- d. Township Chief Financial Officer

RESOLUTION # 2013-205

A RESOLUTION OF THE TOWNSHIP OF MARLBORO IN MONMOUTH COUNTY,
NEW JERSEY AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE
MARLBORO BOARD OF EDUCATION TO PROVIDE JANITORIAL SERVICES
FOR THE MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro ("Township") is in need of janitorial services for the maintenance of its public buildings, and

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq., (the "Act") permits units of local government to share services for particular purposes and to effectuate agreements for any service or circumstance that will aid and encourage a reduction of local expenses; and

WHEREAS, the Township of Marlboro and Marlboro Board of Education ("BOE") are public bodies corporate and politic of the State of New Jersey and are authorized under New Jersey Law to enter into a Shared Services Agreement pursuant to the Act; and

WHEREAS, the BOE has a contract in place which was awarded pursuant to the Local Public Contracts Law (N.J.S.A. 40A:11) for janitorial services for the maintenance of the school buildings; and

WHEREAS, the BOE and the Township have negotiated the terms of a Shared Services Agreement, included as EXHIBIT A and incorporated into this resolution as if set forth at length herein; and

WHEREAS, the Administration and Department of Public Works have recommended the proposed agreement as representing the best value for Marlboro taxpayers; and

WHEREAS, the Municipal Council has indicated its desire to accept the recommendation of the Administration and Department of Public Works; and

WHEREAS, the Chief Financial Officer has certified that funds in the amount of \$40,218.00 for the period July 1, 2013 through December 31, 2013 are available for this purpose from Account 01-201-26-122-288; and

WHEREAS, funds in the amount of \$40,218.00 for the period January 1, 2014 through December 31, 2014 will be certified upon adoption of the 2014 budget.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Marlboro as follows:

1. The above recitals are hereby incorporated into the body of this Resolution as if set forth at length herein.
2. The Shared Services Agreement shall be open to public inspection in the Clerk's office and shall take effect upon the adoption of a resolution and execution of the agreement by both parties.
3. The Mayor and Township Clerk are hereby authorized to execute a Shared Services Agreement, the terms of which are annexed hereto as EXHIBIT A.
4. A copy of the Shared Services agreement shall be filed, for informational purposes, with the Division of Local Government Services in the Department of Community Affairs.

RESOLUTION # 2013-206

A RESOLUTION CONFIRMING EMERGENCY CONTRACTS WITH VARIOUS
VENDORS FOR HURRICANE SANDY STORM PREPARATION, RESPONSE
AND DEBRIS REMOVAL PURSUANT TO N.J.S.A. 40A:11-6
FOR THE TOWNSHIP OF MARLBORO

WHEREAS, an emergency has arisen with respect to the arrival of Hurricane Sandy on October 29, 2012; and

WHEREAS, Governor Christie declared a state of emergency in advance of the storm for the response and recovery efforts required by Hurricane Sandy; and

WHEREAS, N.J.S.A. 40A:11-6 states that "Any contract may be ... awarded for a contracting unit without public advertising for bids and bidding therefor ... when an emergency affecting the public health, safety or welfare requires the immediate ...

performance of services"; and

WHEREAS, N.J.S.A. 40A:11-6(b) states that "Upon the furnishing of such goods or services ... the contractor furnishing such goods or services shall be entitled to be paid therefor and the contracting unit shall be obligated for said payment ..."; and

WHEREAS, Hurricane Sandy brought damaging winds which resulted in substantial tree damage and widespread and extended power outages in the Township posing a threat to the health, safety and welfare of the public; and

WHEREAS, the Mayor and Office of Emergency Management determined that certain services and supplies were critical in order to address matters concerning the health, safety and welfare of the public; and

WHEREAS, pursuant to N.J.S.A. 40A:11-6, the Township authorized and amended the following emergency contracts:

Vendor	Address	Service	Not to Exceed
Caro Electric	2 Hudson St, Marlboro, NJ 07746	Contract Services—Water	900.00
General Tree Experts	104 Hawkins Road, Englishtown 07726	Tree Removal	2,500.00

WHEREAS, the Township is attempting to recover all expenses incurred as a result of Hurricane Sandy from the Federal Emergency Management Agency (FEMA); and

WHEREAS, funds have been certified by the Chief Financial Officer in accounts 01-203-26-117-288, 11-228-55-018 and 05-203-55-509-200.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, that emergency contract awards and emergency change orders pursuant to N.J.S.A. 40A:11-6 be confirmed for the emergency preparation, response and debris removal activities associated with Hurricane Sandy.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Business Administrator
- b. Emergency Management Coordinator
- c. Chief Financial Officer
- d. Director of Public Works

RESOLUTION # 2013-207

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$ 120,120.99 as per Schedule "A",

WHEREAS, the holders of the above-mentioned tax sale certificates are entitled to the amount of the sale plus interest and costs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$ 120,120.99 be refunded to the certificate holders as per Schedule "A",

SCHEDULE "A"

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
2012-009	108/15	Gale, Stephen B.	1,460.91
29 Wicker Place		121 Warren Street Keyport, NJ 07735 Assessed Owner: Wicker Place Development, LLC	
2012-011	108/17	Gale, Stephen B.	1,900.60
Wicker Place		121 Warren Street Keyport, NJ 07735 Assessed Owner: Wicker Place Development	
2013-010	116/17	Bulwark Systems, LLC	551.98
5 Lloyd Road		22 Emily Road Manalapan, NJ 07726 Assessed Owner: Enea, John	
2013-011	119.02/7	US BANK C/F NJ Boardwalk, LLC	1,650.80
14 Bernadette Road		LB#005191 P.O. Box 945191 Cincinnati, OH 45264 Assessed Owner: Schirloff, Bryan Donna	
2013-025	155/1.07	Nasdom, LLC	329.10
19 Shallowbrook Road		1527 E 35 th Street Brooklyn, NY 11234 Assessed Owner: Lyubarsky, Yuri & Olga	

2013-054 178/290 228 Hidden Lake Drive	Bulwark Systems, LLC 22 Emily Road Manalapan, NJ 07726 Assessed Owner: Kuznetsov, Edward & Kalinina, Viktor	957.88
2013-074 223/12 13 North Main Street	Nasdom, LLC 1527 E 35 th Street Brooklyn, NY 11234 Assessed Owner: Alario, Charles P.	1,413.71
2013-087 262/14 3 Bruce Road	Bulwark Systems, LLC 22 Emily Road Manalapan, NJ 07726 Assessed Owner: Zamkoff, Milton & Loretta	1,091.07
2013-136 412.02/7 54 Annette Drive	DBW TL Holdco 2013 22 Emily Road Manalapan, NJ 07726 Assessed Owner: Glashow, Martin & Shelly	32,444.83
2013-102 300.01/1 204 Yellowknife Road	US Bank Cust for Pro Cap II 50 S 16 th Street St 1950 Philadelphia, PA 19102 Assessed Owner: Gillani, Nadir B.	1,401.05
2013-077 225/80 12 Liberty Road	US Bank Cust for Pro Cap II 50 S 16 th Street St 1950 Philadelphia, PA 19102 Assessed Owner: Gorenstein, Scott & Jane	231.67
2013-134 412/307/C0048 48 Thrasher Court	US Bank Cust for Pro Cap II 50 S 16 th Street St 1950 Philadelphia, PA 19102 Assessed Owner: Siragusa, Joseph & Brenda	1,390.96
2013-137 412/307/C0007 7 Thrasher Court	Bulwark Systems, LLC 22 Emily Road Manalapan, NJ 07726 Assessed Owner: Bullock, Ernestine	1,328.05

2013-131 412/273 36 Skylark Court	Bulwark Systems, LLC 22 Emily Road Manalapan, NJ 07726 Assessed Owner: Guberman, Lawrence & Beryl	849.23
2013-059 184.01/13 27 Emerald Drive	US Bank Cust for Pro Cap II 50 S 16 th Street St 1950 Philadelphia, PA 19102 Assessed Owner: Alonso, Mario Jr. & Maria	747.36
2013-047 176/101 4 East Frances Ave	Bulwark Systems, LLC 22 Emily Road Manalapan, NJ 07726 Assessed Owner: Ulikowski, Deborah E.	13,247.27
2013-045 176/7/C0869 869 Marioposa Court	Bulwark Systems, LLC 22 Emily Road Manalapan, NJ 07726 Assessed Owner: Shermantov, Dilshod & Elena	1,461.35
2012-061 193.05/5 5 Hemingway Court	HEMCO Capital P.O. Box 835 Lakewood, NJ 08071 Assessed Owner: Baez, Diego F. & Helga Miranda	2,139.12
2012-008 108/14 Wicker Place	Gale, Stephen B. 121 Warren Street Keyport, NJ 07735 Assessed Owner: Ball, Millicent	1,460.91
2012-010 108/16 Wicker Place	Gale, Stephen B. 121 Warren Street Keyport, NJ 07735 Assessed Owner: Ball, Millicent	1,900.60
2012-006 107/2 Wicker Place	Gale, Stephen B. 121 Warren Street Keyport, NJ 07735 Assessed Owner: Martha Place Development, LLC	1,455.80

11-73	359.01/62	Alvero Acquisition Corp.	50,706.74
42 Vanderburg Road		1 Executive Blvd.	
		Yonkers, NY 10701	
		Assessed Owners:	
		Goddard Estates, LLC	
		TOTAL:	<u>120,120.99</u>

RESOLUTION #2013-208

WHEREAS, delinquent sewer charges totaling \$ 2,021.20 has been paid to the township on behalf of Western Monmouth Utilities Authority to avoid tax sale as per Schedule "A",

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the above-mentioned sewer charges in the amount of \$ 2,021.20 be refunded to Western Monmouth Utilities Authority.

Schedule "A"

<u>SEWER ACCT#</u>	<u>BLOCK/LOT</u>	<u>PAYEE/PROPERTY LOC.</u>	<u>AMT.</u>
8407	109/5	Garden State Tax Lien 42 Wicker Place	212.07
17540	176/7/C1059	Lane, Peggy 1059 Roseberry Court	621.43
25591	206.05/27.02	Milstein, Jeffrey & Lauren 29 Wyncrest Road	344.31
8374	127/5	De Lorenzo, Emil & Barbara 38 Nolan Road	596.45
5213	255/36	Couch, Yvonne 59 Church Road	246.94
		TOTAL:	<u>2,021.20</u>

RESOLUTION # 2013-209

WHEREAS, tax sale certificates sold at the 2013 Tax Lien Sale included delinquent sewer charges in the amount of \$59,996.29 as per Schedule "A",

WHEREAS, the above-mentioned tax sale certificates were bought by a third party,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the above-mentioned sewer charges in

the amount of \$59,996.29 be refunded to the Western Monmouth Utilities Authority.

SCHEDULE "A"

<u>TSC#</u>	<u>BLOCK/LOT</u>	<u>SEWER ACCT.</u>	<u>ASSESSED OWNERS/ PROPERTY LOCATION</u>	<u>AMOUNT</u>
2013-005	105/3	8404	Culmac Investors Inc. 14 Thomas Lane	540.51
2013-009	116/2	9389	Bulwark Systems, LLC 4 Nolan Road	467.92
2013-10	116/17	8864	Bulwark Systems, LLC 5 Lloyd Road	204.55
2013-011	119.02/7	18073	US Bank as C/F NJ Boardwalk LLC 14 Bernadette Road	540.39
2013-012	120/11	19169	US Bank as C/F NJ Boardwalk LLC 117 Greenwood Road	540.51
2013-013	122/12	8060	Bulwark Systems, LLC 1-A Orchard Parkway	389.09
2013-014	123/2	8954	US Bank CUST for Pro CAP II 3 Tennent Road	200.76
2013-016	127/5	9199	DBW TL Holdco 2013 22 Baldwin Avenue	244.51
2013-020	147/32.18	24824	US Bank as C/F NJ Boardwalk LLC 20 Ellis Court	303.42
2013-029	159.01/8	22973	US Bank CUST for Pro Cap II 197 Independence Way	158.97
2013-030	160/45	21043	US Bank as C/F NJ Boardwalk LLC 207 Conway Court	1,478.38
2013-031	160/66	22818	US Bank CUST for Pro Cap II 415 Coral Court	536.96

2013-033	172/39	13647	US Bank CUST for Pro Cap II 70 Amboy Road	16,778.59
2013-037	173/7 C0340	13345	Bulwark Systems, LLC 340 Mayfair Place	246.82
2013-038	173/7 C0386	13303	Bulwark Systems, LLC 386 Hampton Place	246.93
2013-040	176/7 C0458	17351	Bulwark Systems, LLC 458 Tivoli Court	307.32
2013-041	176/7 C0492	17393	US Bank CUST for Pro Cap II 492 Tivoli Court	417.04
2013-042	176/7 C0540	18327	Bulwark Systems, LLC 540 Tivoli Court	548.27
2013-043	176/7 C0713	17204	Bulwark Systems, LLC 713 Snowdrop Court	188.76
2013-045	176/7 C0869	17238	Bulwark Systems, LLC 869 Mariposa Court	528.56
2013-046	176/7 C1005	18131	Bulwark Systems, LLC 1005 Tarragon Court	542.02
2013-048	176.03/4	17886	Bulwark Systems, LLC 56 Enclosure Drive	368.77
2013-049	178/2 C0017	12501	US BANK CUST FOR PRO CAP II 17 BENNINGTON PLACE	504.92
2013-050	178/2 C0155	13446	Bulwark Systems, LLC 155 Tanglewood Place	538.55
2013-051	178/2 C0253	12341	Bulwark Systems, LLC 253 Colby Place	461.96
2013-053	178/290 C0178	21578	US Bank as C/F NJ Boardwalk LLC 178 Nathan Drive	504.70
2013-054	178/290 C0228	20665	Bulwark Systems, LLC 228 Hidden Lakes Drive	382.92
2013-056	180/45	11930	DBW TL HOLDCO 2013 4 Evan Drive	463.35

2013-058	184/80	6436	US Bank Cust FOR FNA Jersey BOI 5 Churchill Court	541.20
2013-059	184.01/13	9103	US Bank CUST for PRO CAP II 27 Emerald Drive	274.57
2013-061	192/4	13251	Gabrielle R. Nico 35 Stony Hill Drive	461.96
2013-062	193/19	14933	Bulwark Systems, LLC 44 Amagansett Drive	533.49
2013-063	193.02/ 54.19	20807	US Bank as C/F NJ Boardwalk LLC 31 Pueblo Court	531.97
2013-065	195/6	9165	US Bank CUST for Pro Cap II 4 Peach Tree Court	545.22
2013-066	196/36	10388	DBW TL HOLDCO 2013 32 Overhill Drive	327.75
2013-067	206.03/1	20047	US Bank as C/F NJ Boardwalk LLC 1 Cumberland Court	537.10
2013-070	213/17	2928	US Bank CUST for Crestar Capital 11 Quincy Street	510.89
2013-073	214.01/3	22722	Bulwark Systems, LLC 3 Crenshaw Ct.	1,113.64
2013-074	223/12	20671	Nasdom, LLC 13 North Main Street	535.70
2013-075	225/40	3254	Bulwark Systems, LLC 24 Taylor Road	482.03
2013-076	225/49	3132	US Bank CUST for Pro Cap II 67 River Road	128.92
2013-077	225/80	4382	US Bank CUST for Pro Cap II 12 Liberty Road	164.67

2013-078	225/214	3140	Bulwark Systems, LLC 25 Girard Street	284.32
2013-080	242/7	2813	SOHEHA 48 River Drive	164.50
2013-081	243/6	5771	US Bank CUST for Pro Cap II 11 Liberty Road	534.46
2013-082	251/38	6328	Chrysalis Investors, LLC 99 Gordons Corner Road	416.62
2013-083	255/21	7090	US Bank as C/F NJ Boardwalk LLC 19 Georgian Bay Drive	496.19
2013-84	255/41	5357	Culmac Investors Inc. 7 Prince Edward Road East	252.07
2013-085	257/15	7266	US Bank CUST for Pro Cap II 13 Chesley Court	596.45
2013-087	262/14	4547	Bulkwark Systems, LLC 3 Bruce Road	415.56
2013-088	263/3	4424	Nasdom, LLC 6 Bruce Road	162.81
2013-089	268/73	13126	US Bank CUST for Pro Cap II 59 Route 520	523.52
2013-091	270/41	4959	Bulwark Systems, LLC 36 Sandburg Drive	596.45
2013-092	270/71	4972	US Bank CUST for Pro Cap II 8 Robinson Road	544.50
2013-093	270/98	5082	Culmac Investors Inc. 21 Millay Road	387.31
2013-094	286/20	12993	US Bank CUST for Pro Cap II 11 Longfellow Terr.	205.81
2013-095	287/36	25545	Bulwark Systems, LLC 430 Union Hill Road	609.32

2013-096	288/14	4956	US Bank as C/F NJ Boardwalk LLC 4 Emerson Drive	540.51
2013-097	288/29 C0036	18963	Bulwark Systems, LLC 36 Aspen Avenue	160.83
2013-098	288/29 C0126	17079	MTAG Serv. CUST ACTF II 126 Sunnymede Street	197.19
2013-099	288/29 C0455	14245	US Bank CUST for Pro Cap II 455 Bayberry Court	205.74
2013-100	295/13	9545	Bulwark Systems, LLC 23 Marc Drive	284.32
2013-101	300/79	18853	Nasdom, LLC 239 Yellowknife Road	164.60
2013-102	300.01/1	19456	US Bank CUST for Pro Cap II 204 Yellowknife Road	621.32
2013-103	301/36	5425	US Bank as C/F NJ Boardwalk LLC 30 Duncan Drive	531.22
2013-104	304/9	5036	Bulkwark Systems, LLC 72 Church Road	378.37
2013-104	304/9	5036	Bulkwark Systems, LLC 72 Church Road	378.37
2013-105	314/1	4691	Income One, LLC 161 Gordons Corner Road	371.17
2013-16	320/4	13728	US Bank as C/F NJ Boardwalk LLC 16 Jennifer Court	698.56
2013-107	327/46	5416	US Bank CUST for Pro Cap II 1 Hudson Bay Terrace	462.56
2013-108	346/1	2786	SOHEHA 28 Collingwood Road	163.16
2013-109	349/3	3053	US Bank as C/F NJ Boardwalk LLC 30 Amherst Road	1,154.81

2013-110	351/5	8973	Bulwark Systems, LLC 21-23 School Road West	1,073.80
2013-112	358/1.14	24338	US Bank CUST for Pro Cap II 42 Witherspoon Way	540.36
2013-114	360/25.16	25537	Bulwark Systems, LLC 14 Livingston Court	205.68
2013-117	371/32	11778	US Bank CUST for Pro Cap II 20 Stone Lane	529.43
2013-118	371/41	12745	MTAG Serv. CUST ACTF II NJ LLC 6 Sweet Court	162.66
2013-119	371/47	12744	David Greenberg 7 Sweet Court	231.75
2013-120	373/15	11026	US Bank CUST for Pro Cap II 2 Harvest Court	246.91
2013-123	392.02/6	19832	David Greenberg 18 Whistler Way	126.07
2013-124	395/9	14451	US Bank for Crestar Capital 1 Sycamore Court	609.30
2013-125	395/12	15048	US Bank as C/F NJ Boardwalk LLC 5 Marigold Lane	1,120.21
2013-126	396/1 C0053	16216	Alan Yeung 53 Orange Drive	200.76
2013-127	396/1 C0293	16566	Alan Yeung 293 Plum Drive	245.58
2013-128	402/13	10635	Bulwark Systems, LLC 4 Cannonade Drive	289.96
2013-129	408/11	11843	Chrysalis Investors, LLC 25 Colts Run	327.75

2013-130	412/142	12409	US Bank CUST for Pro Cap II 8 Crestview Court	540.46
2013-131	412/273	20323	Bulwark Systems, LLC 36 Skylark Court	374.44
2013-132	412/307 C0007	20120	Bulwark Systems, LLC 7 Thrasher Court	549.75
2013-133	412/307 C0022	20263	Bulwark Systems, LLC 22 Thrasher Court	264.96
2013-134	412/307 C0048	22413	US Bank CUST for Pro Cap II 48 Thrasher Court	611.43
2013-137	412.03/9	19702	Bulwark Systems, LLC 18 Warbler Road	327.69
2013-138	412.05/12	20756	Bulwark Systems, LLC 20 Kinglet Avenue	1,028.59
2013-139	412.07/42	19474	US Bank CUST for Pro Cap II 3 Woodpecker Way	596.45
2013-140	412.08/13	21501	Bulwark Systems, LLC 27 Barn Swallow Blvd.	416.37
2013-141	421.04/10	24029	US Bank as C/F NJ Boardwalk LLC 4 Kipling Court	1,927.22
TOTAL:				\$59,996.29

RESOLUTION #2013-210

WHEREAS, tax sale certificates sold at the 2013 Tax Lien Sale included delinquent water charges in the amount of \$3,050.03 as per Schedule "A",

WHEREAS, the above-mentioned tax sale certificates was bought by a third party,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the above-mentioned water charges in the amount of \$3,050.03 be refunded to the M.T.W.U.D.

SCHEDULE "A"

<u>TSC#</u>	<u>BLOCK/LOT</u>	<u>WATER</u>	<u>LIENHOLDER/</u>	<u>AMOUNT</u>
<u>ACCT.</u>		<u>PROPERTY LOCATION</u>		
2013-010	116/17	25661	Bulwark Systems, LLC 5 Lloyd Road	74.55
2013-011	119.02/7	65618	US Bank as C/F NJ Boardwalk, LLC 14 Bernadette Road	129.71
2013-012	120/11	27394	US Bank as C/F NJ Boardwalk, LLC 117 Greenwood Road	149.44
2013-018	146/39	31111	US Bank CUST for Pro Capital II, LLC 460 Texas Road	147.76
2013-019	147/4.02	31190	Culmac Investors Inc. 248 Spring Valley Road	33.19
2013-022	148/14	23985	Brickman & Pines Management, LLC 139 Tennent Road	153.26

2013-023	153/8	24185	US Bank CUST for Pro Capital II, LLC 390 Route 79	151.07
2013-024	153/62.06	84265	DBW TL HOLDCO 2013 319 Bayview Drive	66.18
2013-025	155/1.07	79138	Nasdom, LLC 19 Shallow Brook Road	162.10
2013-032	171/39	27468	Ridgeback Ventures, LLC 44 Devonshire Drive	101.54
2013-037	173/7 C0340	51968	Bulwark Systems, LLC 340 Mayfair Place	64.03
2013-041	176/7 C0492	55761	US Bank CUST for Pro Capital II, LLC 492 Tivoli Court	134.88
2013-043	176/7 C0713	54430	Bulwark Systems, LLC 713 Snowdrop Ct.	65.80
2012-044	176/7 C0827	56444	Nasdom, LLC 827 Mariposa Ct.	167.65
2013-045	176/7 C0869	55031	Bulwark Systems, LLC 869 Mariposa Ct	151.88
2013-046	176/7 C1005	58346	Bulwark Systems, LLC 1005 Tarragon Court	153.17
2013-050	178/2 C0155	49461	Bulwark Systems, LLC 155 Tanglewood Place	154.14
2013-052	178/2 C0457	50971	Nasdom, LLC 457 Hawthorne Place	113.78
2013-057	184/1	27411	Soheha 189 Route 520	101.49
2013-061	192/4	38371	Gabrielle R. Nico 35 Stony Hill Drive	100.83
2013-065	287/36	89	Bulwark Systems, LLC 430 Union Hill Road	44.47

2013-098	288/29 C0126	63794	MTAG SERV. CUST ACTF II NJ, LLC 126 Sunnymede Street	97.73
2013-103	301/36	811891	US Bank as C/F NJ Boardwalk, LLC 30 Duncan Drive	147.27
2013-104	304/9	10400	Bulwark Systems, LLC 72 Church Road	100.91
2013-105	314/1	11130	Income One, LLC 161 Gordons Corner Road	98.41
2013-106	320/4	13747	US Bank as C/F NJ Boardwalk, LLC 16 Jennifer Ct.	152.23
2013-107	327/46	17710	US Bank CUST for Pro Capital II, LLC 1 Hudson Bay Terrace	32.83
TOTAL:				\$ 3,050.03

RESOLUTION # 2013-211

WHEREAS, the Tax Court of New Jersey has granted a judgment in the amount of \$8,741.25 for the year 2012 for Block 155 Lot 4.13, located at 24 Four Columns Drive, assessed to Kalliny, Moshen & Mona,

WHEREAS, the 2012 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$8,741.25,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$8,741.25 to Kalliny, Moshen & Mona.

RESOLUTION #2013-212

WHEREAS, the Tax Court of New Jersey has granted a judgment in the amount of \$3,456.42 for the year 2012 for Block 157 Lot 3.10, located at 7 Embury Farm Road, assessed to Martino, Nicholas & Francine Scotto,

WHEREAS, the 2012 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$3,456.42,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$3,456.42 to Martino, Nicholas & Francine Scotto.

RESOLUTION # 2013-213

WHEREAS, the Tax Court of New Jersey has granted a judgment in the amount of \$557.82 for the year 2012 for Block 151 Lot 9, located at 391 Route 79, assessed to Mallet, Albert T & Margaret E,

WHEREAS, the 2012 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$557.82,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$557.82 to Mallet, Albert T & Margaret E.

RESOLUTION # 2013-214

WHEREAS, the Tax Court of New Jersey has granted a judgment in the amount of \$4,032.83 for the year 2012 for Block 151 Lot 10, located at 389 Route 79, assessed to Mallet, Albert T & Margaret E,

WHEREAS, the 2012 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$4,032.83,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$4,032.83 to Mallet, Albert T & Margaret E.

RESOLUTION # 2013-215

WHEREAS, the Tax Court of New Jersey has granted a judgment in the amount of \$534.58 for the year 2012 for Block 261 Lot 5, located at 17 Lake Louise Road, assessed to Vogel, Leslie J. & Susan,

WHEREAS, the 2012 taxes have been paid in full, the Tax Collector is directed to refund the amount of \$534.58,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$534.58 to Vogel, Leslie J. & Susan.

At 8:35PM, Councilman Metzger moved that the meeting go into executive session for reason of contract negotiations and litigation. This was seconded by Councilwoman Mazzola, and the following resolution #2013-216 (Closed Session) was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2013-216

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 13th day of June, 2013 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely contract negotiations and litigation.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned items and that such executive session should take approximately 15 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required. Action will be taken following the executive session.

At 8:50 PM, Councilman Metzger moved that the meeting be opened. This was seconded by Councilwoman Mazzola, and as there was no objection, the Clerk was asked to cast one ballot.

The following Resolution #2013-217 (Authorizing Memorandum of Agreement CWA Blue Collar) was introduced by reference, offered by Councilman Metzger and seconded by Councilwoman Mazzola and passed on a roll call vote of 5 - 0.

RESOLUTION # 2013-217

A RESOLUTION AUTHORIZING A MEMORANDUM OF AGREEMENT
BETWEEN THE TOWNSHIP OF MARLBORO AND COMMUNICATIONS
WORKERS OF AMERICA (BLUE COLLAR UNIT)

WHEREAS, the Township and Communications Workers of America (Blue Collar Unit) ("CWA") are parties to a collective bargaining agreement that expired on December 31, 2011; and

WHEREAS, the Township and the CWA engaged in negotiations for a successor collective bargaining agreement to cover employees in the CWA; and

WHEREAS, the terms of the settlement are set forth in a Memorandum of Agreement ("MOA"), attached hereto and made a part hereof; and

WHEREAS, such MOA will be incorporated in the successor collective bargaining agreement to the previous collective bargaining agreement that expired on December 31, 2011, for an extended term of January 1, 2012 through December 31, 2015.

NOW, THEREFORE, BE IT RESOLVED, by Township Council of the Township of Marlboro that it hereby approves the terms and conditions contained in the Memorandum of Agreement between the Township of Marlboro and the CWA, attached hereto and made a part hereof and that such Memorandum shall be deemed the successor collective bargaining agreement to the collective bargaining agreement that expired on December 31, 2011; and

BE IT FURTHER RESOLVED, the Township Council of the Township of Marlboro that it hereby approves and ratifies the execution of the attached Memorandum of Agreement; and

BE IT FURTHER RESOLVED, that the Township Council of the Township of Marlboro authorizes the execution of any documents necessary to implement the successor collective bargaining agreement; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. COMMUNICATIONS WORKERS OF AMERICA (BLUE COLLAR UNIT)
- b. Business Administrator
- c. Chief Financial Officer

The following Resolution #2013-220 (Settlement - Schechter v. Tennent Estates v. Marlboro) was introduced by reference, offered by Councilman Metzger and seconded by Councilwoman Mazzola and passed on a roll call vote of 4 - 1 with Councilman Cantor voting no.

RESOLUTION # 2013-220

A RESOLUTION AUTHORIZING THE EXECUTION OF SETTLEMENT AGREEMENTS AND RELEASES BETWEEN THE ESTATE OF MORRIS SCHECHTER, ELAINE SCHECHTER, MARLBORO AUTO WRECKERS, INC., TENNENT ESTATES, LLC, REGAL HOMES AND MARLBORO CREST, LLC AND THE TOWNSHIP OF MARLBORO

WHEREAS, on or about January 20, 2010 the Township of Marlboro (the "Township") was named as a Third Party Defendant in a Civil Action in the Superior Court of New Jersey entitled,

Estate of Morris Schechter, Elaine Schechter individually and as Executrix of the Estate of Morris Schechter and Marlboro Auto Wreckers, Inc. v. Tennent Estates, LLC, Regal Homes and Marlboro Crest, LLC v. Township of Marlboro et. als., under Docket Number Mon-L-6021-08, (the "Litigation"); and

WHEREAS, the Township and the Estate of Morris Schechter, Elaine Schechter, Marlboro Auto Wreckers, Inc., Tennent Estates, LLC, Regal Homes and Marlboro Crest, LLC desire to amicably settle their disputes in connection with the Litigation and desire to enter into Settlement and Release Agreements; and

WHEREAS, the Township Council of the Township of Marlboro has reviewed the proposed Settlement Agreements and General Releases between the Township and the Estate of Morris Schechter, Elaine Schechter, Marlboro Auto Wreckers, Inc., Tennent Estates, LLC, Regal Homes and Marlboro Crest, LLC and desires to settle the disputes in amicable matter in order to avoid the additional expenditure of time and monies in further protracted litigation, deeming such settlements to be in the best interests of the Township of Marlboro.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that it hereby authorizes the Settlement Agreements and General Releases between the Township of Marlboro and the Estate of Morris Schechter, Elaine Schechter, Marlboro Auto Wreckers, Inc., Tennent Estates, LLC, Regal Homes and Marlboro Crest, LLC and the execution of the Settlement Agreements and General Releases by the Mayor in the presence of the Township Clerk; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Paul V. Fernicola, Esq. Attorney for the Estate of Morris Schechter, Elaine Schechter, and Marlboro Auto Wreckers, Inc.;
- b. Terry Zuckerman, Esq., Attorney for Tennent Estates, LLC, Regal Homes and Marlboro Crest, LLC;
- c. Mayor Jonathan L. Hornik;
- d. Township Business Administrator; and
- e. DeCotiis, FitzPatrick & Cole, LLP

At 8:55PM, Councilman Metzger moved that the meeting be adjourned. This was seconded by Councilwoman Mazzola, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: JULY 18, 2013

OFFERED BY: MARDER AYES: 5

SECONDED BY: MAZZOLA NAYS: 0

ALIDA MANCO,
MUNICIPAL CLERK

FRANK LaROCCA,
COUNCIL PRESIDENT